



February 16, 2007

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## HOUSE BILL No. 1762

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DIGEST OF HB 1762 (Updated February 14, 2007 4:44 pm - DI 52)

**Citations Affected:** IC 14-26.

**Synopsis:** Permits for work on ditches and drains. Provides that a person is not required to obtain a permit from the department of natural resources before conducting certain work on a ditch or drain from which water empties into a lake if: (1) the ditch or drain continues to empty into the lake at the same location after the work is completed; and (2) the work is conducted using best management practices for soil and erosion control.

**Effective:** July 1, 2007.

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**Friend, Bischoff**

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January 26, 2007, read first time and referred to Committee on Natural Resources.  
February 15, 2007, amended, reported — Do Pass.

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HB 1762—LS 6827/DI 71+



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February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1762

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 14-26-5-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a) This section**  
3 **does not apply to a ditch or drain if:**

4 **(1) water from the ditch or drain empties into a lake before**  
5 **activities referred to in subsection (b) begin;**

6 **(2) water from the ditch or drain continues to empty into the**  
7 **lake at the same location after the activities are completed;**  
8 **and**

9 **(3) the activities are conducted using best management**  
10 **practices for soil and erosion control.**

11 **(b) A person may not:**

12 **(1) locate, make, dig, dredge, construct, reconstruct, repair, or**  
13 **re-clean; or**

14 **(2) order or recommend the location, establishment, construction,**  
15 **reconstruction, repair, or re-cleaning of;**

16 a ditch or drain having a bottom depth lower than the normal water  
17 level of a lake within one-half (1/2) mile of the lake without a permit

HB 1762—LS 6827/DI 71+



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1 from the department.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1762, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "from which water empties into" and insert "if:

**(1) water from the ditch or drain empties into a lake before activities referred to in subsection (b) begin;**

**(2) water from the ditch or drain continues to empty into the lake at the same location after the activities are completed; and**

**(3) the activities are conducted using best management practices for soil and erosion control."**

Page 1, delete line 4.

and when so amended that said bill do pass.

(Reference is to HB 1762 as introduced.)

BISCHOFF, Chair

Committee Vote: yeas 8, nays 0.

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